

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, et al.)	
)	
)	Civil Action No.
Plaintiffs)	1:05cv01004-ESH
)	
v.)	
)	
DEPARTMENT OF JUSTICE,)	
et al.)	
)	
Defendants)	
)	

**NOTICE OF SUBMISSION OF DOCUMENTS FOR IN CAMERA, EX PARTE
INSPECTION BY THE COURT**

PLEASE TAKE NOTICE that, pursuant to the Court's request at the March 31, 2006 Status Conference held in this action, on April 20, 2006, defendants submitted for the Court's in camera, ex parte review a sample of the documents discussed in defendant's pending Partial Motion for Summary Judgment (Docket Entry No.31). The sample submission includes the following documents:*

- The 34 documents listed in footnote 7 of Plaintiffs' Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment (Docket Entry No. 32): document numbers 1, 2, 6, 7, 9, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 35, 36, 37, 38, 39, 40, 41, 60, 61, 73, 91, 104, 105, 106, 126, 130 and 131; as well as

* The documents are identified by their numbers as reflected in Exhibit A to the Fifth Declaration of David M. Hardy. See Docket Entry No. 31.

- twenty-three documents that include the balance of documents at issue which contain redactions made pursuant to FOIA Exemption (b)(1): document numbers 16, 17, 62, 65, 67, 68, 70, 76, 77, 78, 80, 83, 84, 85, 86, 87, 92, 93, 94, 96, 97, 98 and 99.

For the Court's convenience, the submission includes both a "read-through" version of the documents in which redacted portions are identified by the cross-hatched shading, as well as an unredacted version of the same documents. In addition, we have noted for each document which redactions were made on a basis not now being challenged by plaintiffs. See Defendants' Statement of Material Facts Not in Dispute ¶ 14 and Exhibit B to Fifth Declaration of David M. Hardy (filed under Docket Entry No. 31) (explaining scope of remaining dispute).

Because this submission contains material classified SECRET, we respectfully request that the Court notify defendants, through undersigned counsel, when it has completed its review so that defendants may once again take custody and control of the classified documents. We understand that the Court's law clerk assigned to this matter is cleared to see this material; that it will not be accessible to other, non-cleared staff; and that it will be stored in an approved, secure container.

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Dated: April 20, 2006

Respectfully Submitted,

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